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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8900

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No.:
v.	COMPLAINT FOR VIOLATION OF
Victor ACOSTA-Briceno, Defendant.	21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about November 2, 2007, within the Southern District of California, defendant Victor ACOSTA-Briceno, did knowingly and intentionally import approximately 52.58 kilograms (115.68 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Section 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Vincent McDonald, Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF NOVEMBER 2007.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Special Agent Vincent McDonald with the U.S. Immigration and Customs Enforcement, declare under penalty of perjury, the following is true and correct:

On November 2, 2007, at approximately 11:15am, Victor ACOSTA-Briceno entered the United States from the Republic of Mexico at the Calexico, California West Port of Entry (POE). ACOSTA was the driver and sole occupant of a 1998 Dodge Intrepid bearing Baha Mexico (BAMX) license plate number BEF-94-85. Customs and Border Protection Officers searched the vehicle ACOSTA was driving and discovered 53 packages concealed inside the rear seat, rear doors, spare tire, and dashboard of the vehicle. A sample from one of the packages was obtained and it produced a green, leafy substance. The green, leafy substance was field-tested and it tested positive for marijuana, a Schedule I Controlled Substance. The combined weight of the 53 packages was 52.58 kilograms (115.68 pounds).

ACOSTA was advised of his Constitutional rights according to Miranda, which he acknowledged and waived agreeing to be interviewed without the presence of an attorney.

ACOSTA stated he was provided the 1998 Dodge Intrepid by a subject named "Carlos" on November 2, 2007. ACOSTA claimed he knew drugs were inside the vehicle when it was given to him, but he was not told what type of drugs. ACOSTA stated he drove the Dodge Intrepid to the POE from an unnamed bank in Mexico. ACOSTA claimed upon crossing the border, he was instructed to drive to "Wal-mart" and park the vehicle. ACOSTA stated an unidentified subject would be waiting to take possession of the vehicle. ACOSTA claimed he was to be paid $800 as compensation for driving the vehicle across the border

Executed on November 2, 2007 at 11:00pm.

Vincent McDonald, Special Agent

On the basis of the facts presented in the probable cause statement consisting of one page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on November 2, 2007, in violation of Title 21, United States Code, Sections 952 and 960.

Peter C. Lewis, United States Magistrate Judge

11-3-07 @ 10:52 a.m.
Date/Time